

MEMO ENDORSED

EYAD ISMOIL

37802-054

United States Penitentiary-Lee

P.O. Box 305

Jonesville VA 24263

2019 AUG -6 AM 10:52

S.D. OF N.Y.

USDC, SDNY
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In The United States District Court
For The Southern District of New York

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chambers 9/9/2019. AM

EYAD ISMOIL

v.

United States of America

Case No. 512-1:93CR

00180-0091 FUY5

Motion For Appointment of Counsel

I EYAD ISMOIL once again move this court for appointment of counsel. I have made request for counsel on several occasions ever since the rulings in Johnson v. United States 135 S. Ct 2551 (2015), and Welch v. United States, 136 S. Ct 1257 (2016).

This court has denied me counsel, citing several 2nd cir decisions. But now that the Supreme Court of the United States has rejected all those points in United States v. Davis, S. Ct. 2119, WL 2570623, (June 24, 2019.) The court held that Johnson invalidated the risk--of--force clause of 18 U.S.C. 924(c). Additionally, in light of Johnson, the "residual clause" within § 924(c)(3)(B), is unconstitutionally vague and cannot sustain a conviction.

Therefore, the conviction of counts Nine and Ten of the information must be overturned and dismissed and the sentence must be vacated.

My ignorance of the Law and the fact that my english is elementary at best, and the opinion in Davis now demands that I be appointed counsel, so to take advantage of the opportunity afforded to me by the United States Supreme court in Johnson, Dimaya, and now Davis clearly demands relief, and I ask again the court to appoint counsel.

I have seen in the last three years, steps, orders have been taken by the court, and by the United States Attorney's Office with issues pertaining to my case, which neither are there for my best interest. Which is totally unfair to me the defendant who doesn't understand what's happening, only receiving legal correspondence from the court and United States Attorney's office only to be lost.

I have been right since Johnson, in requesting counsel since Johnson, the legal landscape has changed substantially on the issue, see *United States v. Davis*, S. Ct. 219, WL 2570623 (June 24, 2019), and so again I am requesting for an attorney to be appointed, as my constitutional rights have been violated.

Respectfully,

July 31, 2019

Eyad Ismail

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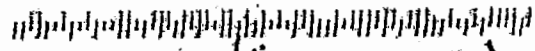
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N.Y.

United States District Court
 Southern District of New York
 Daniel Patrick Moynihan
 United States Court House
 500 Pearl Street
 New York, NY 10007 - 1312

10007-133099



On Nov. 1, 2018, this
 Court stayed this case,
Amara et al vs, pending
resolution and issuance
of the writ in US v.
Barrett, 2d Cr. No. 74-2621-CF.
 That has not occurred.
 This motion is deemed
 without prejudice to
 renewal following issuance
 of the writ in Barrett.

SO ORDERED

[Signature]

LEWIS A. KAPLAN, USDC

6/9/19